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WELLS FARGO HOME MORTGAGE and
BANK OF AMERICA, N.A.
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10 UNITED STATES DISTRICT COURT
11
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

12 ROBERT BONÉ and NANCY BONÉ

Case No.:4:10-cv-02011-PJH

13 Plaintiffs,

14 vs.

15 WELLS FARGO HOME MORTGAGE, a
division of Wells Fargo Bank, N.A., success-
16 by merger to Wells Fargo Home Mortgage,
Inc.; BANK OF AMERICA, N.A.; and DOES
17 1 through 30,

STIPULATION TO CONTINUE HEARING DATE FOR DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT AND MOTION TO STRIKE PORTIONS OF THE FIRST AMENDED COMPLAINT [FRCP 12(B)(6)& FRCP 12(F)]; [PROPOSED] ORDER

18 Defendants

Requested Date: June 1, 2011

19 Current Date: April 27, 2011
Time: 9:00 a.m.
20 Dept.: Courtroom 3, 3rd Floor
Judge: Hon. Phyllis J. Hamilton
Comp. Date: April 6, 2010
Trial Date: TBD

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1 Plaintiffs Robert Boné and Nancy Boné (“Plaintiffs”) and Defendants Wells Fargo Home
 2 Mortgage, a division of Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home
 3 Mortgage, Inc. (“WFHM”) and Bank of America, N.A. (“BofA”) by and through their respective
 4 counsel, hereby stipulate that the Motion to Dismiss and to Strike Portions of the First Amended
 5 Complaint filed by Plaintiffs (the “Motion”) that is set to be heard on Wednesday, April 27, 2011,
 6 at 9:00 a.m. will be continued to Wednesday, June 1, 2011, at 9:00 a.m. or as soon thereafter as
 7 the matter may be heard, in Courtroom 3, 3rd Floor of the above-entitled Court, located at U.S.
 8 District Court, 1301 Clay Street, Oakland, CA 94612.

9 This stipulation is based upon the following showing of good cause:

10 **RECITALS**

11 1. After the Motion was filed, the Parties participated in an early settlement
 12 conference (“ESC”) with Magistrate Donna M. Ryu on October 19, 2010 in an effort to resolve
 13 the case. Though no settlement was reached at the ESC, the Parties have continued to work
 14 together to try and resolve the case with the assistance of Judge Ryu.

15 2. The Parties have reached a settlement and are in the process of finalizing the terms
 16 of their agreement to complete the resolution of this matter. To that end, the Parties have
 17 stipulated to continue the hearing on the Motion to allow some additional time to complete the
 18 resolution without further costly litigation.

19 3. The continuance will not prejudice the Parties to this action.

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STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, as follows:

1. The Motion set for April 27, 2011 will be continued to Wednesday June 1, 2011, at 9:00 a.m. or as soon thereafter as the matter may be heard, in Courtroom 3, 3rd Floor of the aboveentitled Court, located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

IT IS SO STIPULATED:

DATED: April 25, 2011

LAW OFFICES OF DAVID STURGEON GARCIA

By: /s/ David Sturgeon Garcia
DAVID STURGEON-GARCIA
Attorney for Plaintiffs
ROBERT and NANCY BONE

DATED: April 20, 2011

SEVERSON & WERSON
A Professional Corporation

By: _____ /s/ Edward R. Buell III
EDWARD R. BUELL III
Attorneys for Defendant
WELLS FARGO HOME MORTGAGE
and BANK OF AMERICA, N.A.

ORDER

Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING:

IT IS HEREBY ORDERED that the Motion to Dismiss and to Strike Portions of the First Amended Complaint set for hearing on April 27, 2011 is continued to Wednesday June 1 _____, 2011, at 9:00 a.m. in Courtroom 3, 3rd Floor of the above-named Court, located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

DATED: 4/25/11